

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

NICOLE J. WILLIE
C/O MARIONETTE WILLIE

PLAINTIFF

v.

CIVIL ACTION NO. 2:07CV190-B-A

COMMISSIONER OF SOCIAL SECURITY
JOANNE B. BARNHART,

DEFENDANT

REPORT AND RECOMMENDATION

On April 9, 2008, the plaintiff filed a motion to dismiss the instant appeal. The defendant has informed the court that it does not oppose the motion.

In light of plaintiff's motion to dismiss the appeal, the undersigned respectfully recommends that this case be dismissed without prejudice.

The parties are referred to 28 U.S.C. §636(b)(1)(B) and FED. R. CIV. P. 72(b) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten (10) days of the date of this report and recommendation and "a party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within 10 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court" *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*) (citations omitted); *see also United*

States v. Carrillo-Morales, 27 F.3d 1054, 1061-62 (5th Cir. 1994) *cert. denied*, 513 U.S. 1178, 115 S. Ct. 1163, 130 L. Ed. 2d 1119 (1995).

Respectfully submitted, this the 6th day of June 2008.

/s/ S. ALLAN ALEXANDER
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

REBECCA FOSTER,

PLAINTIFF

v.

CIVIL ACTION NO. 1:04CV203-D-A

COMMISSIONER OF SOCIAL SECURITY,

DEFENDANT

FINAL JUDGMENT

On consideration of the file and records in this action, the court finds that the report and recommendation of the United States Magistrate Judge dated June 6, 2008, was on that date served by first class mail upon counsel of record; more than ten days have elapsed since service of the report and recommendation; and no objection has been filed or served by the parties. The court is of the opinion that the report and recommendation should be approved and adopted as the opinion of the court.

It is, therefore,

ORDERED:

1. That the report and recommendation of the United States Magistrate Judge dated June 6, 2008, is approved and adopted, and the proposed findings of fact and conclusions of law therein set out are adopted as the findings of fact and conclusions of law of the court.

2. This case is dismissed without prejudice pursuant to FED. R. CIV. P. 41(b).

SO ORDERED, this the _____ day of _____ 2008.

UNITED STATES DISTRICT JUDGE